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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,245	07/28/2003	John W. Barrus	74451P158	7586

8791 7590 04/18/2006

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EXAMINER	
CAPUTO, LISA M	
ART UNIT	**PAPER NUMBER**
2876	

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/629,245	BARRUS, JOHN W.	
	Examiner	Art Unit	
	Lisa M. Caputo	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Amendment

1. Receipt is acknowledged of the amendment filed 2 February 2006.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being obvious over Torchalski (U.S. Patent No. 6,832,726) in view of Nishijima et al. (U.S. Patent No. 5,431,288, from hereinafter "Nishijima").

Torchalski teaches a barcode optical character recognition system. Regarding claims 1, 14, and 28-30, Torchalski teaches an apparatus and method for capturing an original machine-readable code (MRC) at a location of a document, generating a new MRC based on the original MRC, the new MRC representing the same data of the original MRC and replacing the original MRC with the new MRC, when it is taught that a label 30 placed on a scanner 22 (MRC reader) can be scanned, read, and duplicated using the computer 24 (controller) and its software package (i.e. the computer software package is configured to convert the scanned label 30 to a label format and in so doing, recognizes text on the label as text, graphics as graphics, etc. And anything on the label which is not specifically recognized by the software is characterized as being a graphic. Preferably, the computer software package is configured to recognize

barcodes as barcodes and specifically, what type of barcode it is) (see Figures 1-3 and 6, col 3, line 15 to col 4 line 45). Hence, Torchalski teaches that the new code is able to replace the original code.

Although Torchalski teaches that a label with the new code is able to placed on a document, Torchalski fails to specifically teach that the new MRC is located at substantially the same location as the original MRC with respect to the rest of the contents of the document.

Nishijima teaches a mail sorting apparatus. Nishijima discloses that the bar code printing area designation section 62 designates a bar code printing area 16 from the blank area detected by the blank area detection section 61, as shown in FIG. 3. The bar code printing section 80 prints a bar code 17 corresponding to the address read by the character recognition section 70 on the printing area 16. The character recognition section 70 performs character recognition of an address 11 on the basis of the video signal output from the scanning section 40, and the address position information and character height information output from the address position detection section 50, and converts the recognition result into bar code information. The bar code information is output to the bar code printing section 80 (see Figures 1 and 3, col 3 line 64 to col 4 line 27). Hence, Nishijima teaches that an original machine readable code can be captured via character recognition, and that a new barcode with the same address information is placed in the substantially same location with respect to the rest of the document.

In view of the teaching of Nishijima, it would have been obvious to one of ordinary skill in the art at the time the invention was made to be able to place the new

machine readable code at substantially the same location as the original code so that if the original code is damaged, the new code would be able to display the same information in order for the system to continue to work properly (i.e. if the code is able to be read and processed, there is less room for error).

Regarding claim 2, Torchalski teaches printing the document on a media with the new MRC (see Figure 2, col 4, lines 35-45).

Regarding claims 3-4, Torchalski teaches that the document is scanned and that the original MRC is recognized and its location determined (see Figures 1-3 and 6, col 4 lines 10-55).

Regarding claims 5-8 and 16-19, Torchalski fails to specifically teach determining the dimensions of the original MRC, that the pixel boundaries are utilized in order to decide MRC placement and direction, and that the location of the original MRC is a clear or solid color.

Nishijima teaches that the document is scanned and that the original code is located and recognized by utilizing pixel boundaries (see Figure 2, col 3, lines 20-64). Further, Nishijima teaches that the original area is a clear or solid color when it is taught that there is a clear blank area detection section 61 (see Figure 1, col 4, lines 1-20).

In view of the teaching of Nishijima, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the use of pixel boundaries in order to determine the placement and direction of the code because the use of pixels is standard in determining the orientation of an object, hence it is favorable to use because it is conventional and cost efficient. In addition, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to ensure that the guard area is a clear or solid color so that the code itself is easy to recognize (i.e. the code will stand out from the background).

Regarding claims 9-10 and 20-21, Torchalski teaches that it is determined whether the original MRC has a sufficient quality and prompts for input on whether the original MRC needs to be replaced if it is determined that the original MRC lacks sufficient quality (i.e. contrast/orientation), wherein the new MRC is generated and printed in response to the input received (see Figure 6, col 4, lines 20-35).

Regarding claims 11 and 22-23, Torchalski teaches that if a certain signature of the document is read, the step of generating and printing the new MRC are performed automatically if the format of the document is recognized (see Figure 6, col 4, lines 20-35).

Regarding claims 12-13 and 24-25, Torchalski teaches that the original MRC is a barcode (the computer software package is configured to recognize barcodes) or an OCR text (the computer software package provides barcode OCR) (see col 4 lines 10-20 and lines 55-60).

Regarding claim 15, Torchalski teaches a scanner 22 to scan the document (see Figure 2, col 3, lines 45-55).

Regarding claims 26-27, Torchalski teaches a communication interface capable of coupling to a network to receive and transmit documents over the network (i.e. in the form of printer control codes linked and distributed) (see Figure 1, col 3, lines 20-32, col 4, lines 45-55).

Response to Arguments

3. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

4. Examiner appreciates applicant's arguments regarding the assignment of the Elliott reference and upon further review, examiner has now combined the originally cited Torchalski reference with the Nishijima reference. While applicant had argued in the response filed 24 June 2005 that the Torchalski reference did not anticipate the claims, examiner feels that the obviousness combination of Torchalski and Nishijima also teaches all of the limitations of the claims as recited.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent No. 5,227,617 to Christopher et al. which teaches a hand-held label applicator with scanned data acquisition and selective data retrieval acquisition.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ***Lisa M. Caputo*** whose telephone number is **(571) 272-2388**. The examiner can normally be reached between the hours of 8:30AM to 5:00PM Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached at **(571) 272-2398.** The fax phone number for this Group is (571) 273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**lisa.caputo@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a

possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lisa M. Caputo
April 16, 2006